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8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF NEVADA

10 UNITED STATES OF AMERICA,  
11 Plaintiff(s),  
12 v.  
13 ANTHONY BARKLEY,  
14 Defendant(s).

Case No. 2:17-cr-00025-HDM-VCF  
**ORDER**  
(Docket No. 41)

15 On June 8, 2017, Defendant filed a notice of assertion of right regarding shackling. Docket No. 40.  
16 The notice relates to the issuance of the *en banc* decision in *United States v. Sanchez-Gomez*, 859 F.3d 649  
17 (9th Cir. 2017).<sup>1</sup> On June 13, 2017, the Government moved to strike that notice, arguing that it  
18 mischaracterizes the Ninth Circuit's decision. Docket No. 41. Defendant filed a response. Docket No.  
19 46. The Government filed a reply. Docket No. 47. These filings are not tethered to any particular hearing,  
20 shackling request, or shackling determination. There is no live justiciable dispute before the Court.

21 Accordingly, the motion to strike is **DENIED** without prejudice to the parties addressing the issues  
22 at an appropriate time if necessary.

23 IT IS SO ORDERED

24 Dated: August 3, 2017

25 CAM FERENBACH  
26 United States Magistrate Judge  
27

28 <sup>1</sup> On June 16, 2017, the Ninth Circuit entered a 90-day stay of the issuance of the mandate.